## Statement of TIM HAMMONDS, PRESIDENT AND CEO FOOD MARKETING INSTITUTE

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### Before the PRESIDENT'S COUNCIL ON FOOD SAFETY

# Hearing on the DEVELOPMENT OF A COMPREHENSIVE FEDERAL FOOD SAFETY PLAN October 2, 1998

Good afternoon, members of the President's Council on Food Safety. I am Tim Hammonds, President and CEO of the Food Marketing Institute **(FMI)**. I am honored to have the opportunity to testify before you today.

Let me start by commending you for taking responsibility to develop a comprehensive federal food safety plan. Your initiative is needed. It is overdue. FMI strongly supports your objectives, especially your goals to improve coordination, to fill gaps in the current food safety system and to strengthen efforts to prevent contamination. **FMI already** has major food safety initiatives underway, including collaborative programs with the government, which I will describe briefly.

Also in this testimony, I will offer a strategy to strengthen the system for inspecting imported foods. This includes a proposal to make better use of existing government inspection resources — at no additional cost to taxpayers — and the opportunity to build upon a model program for safeguarding Guatemalan raspberries. Finally, I will emphasize that the most effective food safety strategies must focus on preventing contamination, particularly as it is applied to controlling the pathogen *E. coli* O157:H7. We strongly recommend that the government discontinue retail testing as a means to control this threat. Any testing must be performed at a point where **contaminated** product can be removed **from** the distribution system before it reaches the consumer.

Let me emphasize that **FMI** wants to work closely with you to ensure that all the food we provide our consumers — whether it is domestic or imported — is safe.

**FMI** is a nonprofit association conducting programs in research, education, industry relations and public affairs on behalf of its 1,500 members including their subsidiaries — food retailers and wholesalers and their customers in the United States and around the world. **FMI's** domestic member companies operate approximately 2 1,000 retail food stores with a combined annual sales volume of \$220 billion — more than half of all grocery store

sales in the United States. FMI's retail membership is composed of large **multi-store** chains, small regional firms and independent supermarkets.

As an industry, America's food retailers and wholesalers are committed to the safety, quality and affordability of food products for consumers, and FMI's members are leading the way. Supermarkets are the primary points where customers interact with the food industry. Consequently, we are vitally concerned about public policies that affect our ability and commitment to provide safe and wholesome food.

Consumer confidence is critical. Producers, manufacturers, government, and especially retailers, all have a vested interest in maintaining the highest level of confidence. Consumers today are highly concerned about food safety, according to FMI's 1998 *Trends in the United States — Consumer Attitudes and the Supermarket*, but they still have a strong overall level of faith in the food supply. I am very pleased to tell you that only 6 percent of those sampled in our national survey believe that food safety problems are most likely to occur in supermarkets. Only farmers have a marginally higher degree of public credibility on food safety issues than do supermarkets.'

Critical to preserving this level of confidence is to continue providing consumers with credible food safety information. This was identified in the 1997 report to the President titled *Food Safety From Farm to Table: A National Food Safety Initiative.* **Also** *last* **year**, Secretaries Glickman, Riley and Shalala, in a Memorandum of Understanding, formalized a food safety education partnership that includes FMI, other industry partners, consumer groups, and the U.S. Departments of Agriculture, Education, and Health and Human Services. Together, we have launched a far-reaching, ambitious, nationwide campaign, titled Fight **BAC!**<sup>TM</sup>. Our goal is to educate consumers on the four simple steps they can take to reduce their risk of foodbome illness.

This campaign is an excellent example of the public-private partnerships that the Council wants to cultivate, as stated in your food safety vision. It targets a significant food safety gap and works to close it by showing consumers how they can prevent **foodborne** illness.

For the industry, FMI strives to ensure that retail store operators and their associates are meeting their responsibility to maintain the safety of food. Hundreds of retail employees are given instruction each year in how to properly handle various foods in a grocery store setting. **FMI** has created a Food Handler Protection program for the industry that recognizes retail employees who successfully complete a rigid food safety curriculum and pass a food handler's examination.

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<sup>&</sup>lt;sup>1</sup> Four percent of the public feel that food safety problems are most likely to occur at the farm, according to FMI's 1998 *Trends in the United States* — *Consumer Attitudes and the Supermarket*, which is based on a survey of more than 2000 shoppers.

FMI recently launched a comprehensive initiative called Total Food Safety Management. We are developing, along with our retail members, a HACCP-based program for maintaining food safety in **retail** stores for products that have the highest risk for causing illness. We are creating safe food-handling models for ground **beef**, prepared foods and for fresh produce that is cut in the store. Each model is being pilot-tested in a reel-world setting to confirm its effectiveness and practicality. These models will then be incorporated into our training materials and be made available to all retailers.

Recently, I testified before the Senate Permanent Subcommittee on Investigations at the last in a series of hearings on improving the safety of food imports, particularly produce. We agree with the widespread scientific consensus that **foodborne** illness is a growing public health problem. **At** the same time, USDA, FDA, the American Cancer Society, American Heart Association and others are encouraging consumers to improve their diet by eating more **fresh** produce. As a result, **fresh** produce consumption rose 27 percent **from** 1970 to 1993, and continues to increase.

This increase means that consumers have become more demanding and expect supermarkets to provide a wide variety of **fresh** fruits and vegetables year-round. The produce department is now the most important selling area in a supermarket. It is currently estimated that grocery stores account for over \$43 billion of the \$64 billion in annual **fresh** produce sales in the United States.

The average produce department carries more than 340 items year-round. However, it is in large part because the industry has access to imports that we are able to put certain foods, such as tomatoes, on our shelves at times of the year when they cannot be grown in the United States, or offer our customers more exotic foods that are **not**, or cannot be, produced domestically. The global agricultural market makes this abundance of choices possible. FMI believes that this abundance makes "eating healthy/smart" more enjoyable and, therefore, consumers are be more likely to do so.

Yet even as Americans are eating more **fresh** produce, they are also hearing about risks they might face from **foodborne** health hazards such as **E. coli O157:H7**, Hepatitis A, Salmonella and **Cyclospora**. To the average consumer, **all** these messages must have a **confusing** and often frightening effect Consumers rely upon their grocers and their government to ensure that their food is safe. They assume that the food supply is generally safe and trust that the government has mechanisms in place to keep unsafe food out of our country. In fact, according to a survey by **Produce Merchandising**, when shopping for **fresh** produce, Americans are not concerned about which country their produce comes from, but look rather for freshness, quality and price. In other words, they expect all the foods they buy to be safe.

Other countries can and must meet U.S. requirements for produce. The country of Guatemala has set such an example. Since 1997 **Guatemalan** raspberry growers have taken a proactive stance to develop an oversight framework to ensure that Guatemala's raspberry exports meet the highest sanitation and quality standards. Guatemala has implemented food safety and quality assurance systems for raspberry farms in cooperation with FDA, CDC and the Food Marketing Institute.

We believe this effort demonstrates that other countries can respond to specific food safety guidelines and ensure a safe and wholesome supply of produce to meet the demands of U.S. consumers without jeopardizing their safety.

This unique kind of cooperation among nations, government agencies and industry stands as a model for programs worldwide. Only through such cooperative efforts can government and industry ensure that consumers purchase safe food in this age of global trade.

As the point where consumers and the food distribution system meet, America's grocers face a daily challenge to give their shoppers the variety of foods they desire, while ensuring that those foods are as safe as possible. In rising to this task, FMI members take extreme care to maintain the quality and safety of the foods that come into their stores. However, grocers must also rely on the individuals who produce and deliver products to their stores to maintain the safety of those food items. Retailers cannot reverse the processes of nature and make unsafe food safe again.

Food retailers, like their customers, also rely on the government to **fulfill** its role as overseer of the safety of all foods. Consequently, FMI continues to strongly support an efficient and effective federal food safety oversight system. We believe this oversight system should be based on sound science and risk analysis with its primary emphasis placed on **preventing contamination at its source.** We also believe strongly **that sufficient** resources should be allocated to implement comprehensive programs.

American consumers must be able to have confidence in the nation's food supply. But as the Senator hearings revealed, our current system for federal oversight of imported produce is certainly not efficient and sometimes not effective. In the **first** hearing, the public learned about inadequacies at our ports of entry, ranging from jurisdictional **conflicts** to computer systems that do not work. The General Accounting Office, in its report *Federal Efforts* to Ensure the Safety of Imported **Foods** Are Inconsistent and Unreliable, also noted that FDA and the Customs Service have "had problems stopping importers from distributing unsafe foods under FDA's jurisdiction."

At subsequent hearings, we became familiar with the tricks of unscrupulous importers, such as bribery and "port shopping." These revelations do not sit well with consumers and certainly not with grocers, who rely upon government agencies to stop unsafe food at our borders. FMI strongly urges that steps be taken to address these problems.

As this Council and the Congress move forward to improve government oversight of our nation's food production and distribution systems, I caution against adopting policies that **will** serve as anticompetitive barriers to **free** trade or unfairly restrict consumer access to imported foods. Domestic producers are not helped by such restrictions since consumers, when made aware of a health hazard associated with a particular food, tend to avoid purchasing that food, whether it was produced domestically or abroad.

In developing the reforms needed to improve the safety of produce, FMI recommends that this Council and Congress consider the proposals put forth in the President's Food Safety Initiative and in the National Academy of Sciences (NAS) report titled *Ensuring Safe Food from Production to Consumption*. *These* proposals provide an excellent foundation and framework for the reforms **needed**.

#### Develop a Better System

NAS recommends that food safety programs be based on risk analysis, focus on preventing contamination, and use monitoring systems to provide for ongoing safety analysis. The President's initiative supports programs like FSIS's pathogen-reduction and HACCP systems, which focus on prevention and compliance with performance standards. A **program** to improve the safety of imported produce could include the following components:

- A system to evaluate the food safety programs of foreign countries that export produce to the United States to ensure equivalency with U.S. standards.
- Federal authority to reject produce shipments based on the exporting country's food safety management procedures as documented by the agency with regulatory authority.
- A system to monitor imports into the United States similar to FSIS's port-of-entry Program.
- Food safety standards based on scientific data that can be employed at the point of inspection.
- A monitoring and verification system to measure performance, based on the risk to consumers, against the established standards using systems such as the FSIS microbial baseline data for meat and poultry, the FSIS Automated Import Inspection System (AIIS) and the FDA Operational and Administrative System for Import Support (OASIS).
- Improved coordination between FDA and the U.S. Customs Service.

#### Improve Use of Resources

Regardless of the exact nature of the system redesigned to improve the safety of imported food products, one critical resource need must be addressed. Sufficient personnel will be necessary for inspection and monitoring at ports of entry. In its report, NAS concluded that "FDA's lack of resources to maintain adequate inspection and monitoring of. .. fresh fruits and vegetables, both domestic and imported, using statute-driven methods of monitoring and enforcement, increases the threat of foodbome disease and related hazards in the food supply." FDA itself has acknowledged that it does not have adequate resources or the authority to develop an effective food safety program for imported produce.

FMI believes this critical need for additional personnel can be met by redeploying to ports of entry existing USDA/FSIS in-plant inspectors freed from their current duties by the modem HACCP-based inspection system for meat and poultry.

There is no question that these personnel will be available for redeployment. In July of this year, USDA's Food Safety and Inspection Service **(FSIS)** published a background document on "HACCP-Based Inspection Models." In this document, FSIS proposes a new meat and poultry inspection model that will "reduce its reliance on organoleptic (sight, smell and touch) inspection, shift to prevention-oriented systems based on public health risk, and redeploy its resources in a manner that better protects the public from foodbome illness."

When this new HACCP-based inspection system is in place, FSIS will no longer need its current complement of inspectors, **freeing** up thousands of staff-hours for use in other areas of food safety. Indeed, earlier this year FSIS announced its strategic plan to redeploy those resources. FSIS also proposed to "put a flexible structure in place that can accommodate new or changing tasks," but it has not evaluated risks throughout the food distribution system to properly determine where these resources might be most effectively used to prevent contaminated foods from reaching the consumer. The hearings of the Senate Permanent Subcommittee on Investigations identified precisely where those resources would be most effective — at our ports of entry for imported foods.

FMI believes this redeployment can be easily accomplished by developing a **cross**-utilization program between **USDA/FSIS** and FDA that would allow for the sharing of resources for the inspection of imported produce and seafood.

Indeed, the President chartered this Council to develop a coordinated budget for the agencies responsible for regulating food safety. The creation of this council, complemented by the work of Congress, sets the stage for just such a cross-utilization program.

However, should cross-utilization not prove feasible, the improved use of inspection personnel could still be accomplished by transferring statutory authority for inspecting imported produce from FDA to USDA; or by transferring FSIS inspection personnel to FDA for reassignment to ports of entry.

We are not advocating one approach over another — only that the inspection resources be redeployed to where they can best protect consumers. In this case, they can perform the invaluable service of ensuring that **contaminated** foods do not enter the United States. Moreover, this plan would give both FSIS and FDA officials the capability to inspect all food imports, contributing to the seamless food safety system that the Council envisions. In fact, the concept of cross-utilization was proposed in the 1997 report to the President *Food* Safety From Farm to Table: A National Food-Safety Initiative.<sup>2</sup>

Almost all of the other proposals for improving the **safety** of imported foods that we have seen require additional tax dollars. Fortunately, the resources and expertise necessary to put the plan we have proposed in place already exist within the federal government. It is simply a matter of coordinating resources among the affected agencies or redefining responsibilities as directed by Congress.

Consequently, all of the approaches I have **outlined** would be revenue-neutral This means that the solution I have proposed for substantially augmenting our **point-of-entry** inspection personnel can be implemented without user fees and new tax revenues.

#### Food Safety Strategies Must Focus on Prevention

Experience has taught us that food safety requires aggressive and comprehensive measures by everyone as food moves **from** the farm to the dinner table. As this Council stated, this includes the industry, food scientists, food handlers, government inspectors and consumers. It requires a three-pronged approach: prevention, detection and education.

It is axiomatic that the most effective programs emphasize prevention. That means making sure that food is free **from** pathogens before it reaches the dinner table.

Let us apply this concept to one of our most pressing food safety issues -the threat of *E. coli* O157:H7 in our **food** supply. This threat is taken so seriously by the beef industry that for the **first** time in history the entire industry formed a farm-to-table task force called the Beef Industry Food Safety Council (BIFSCO). We delivered a copy of BIFSCO's recommendations for addressing this problem to **Secretary** Glickman last week. I would like to place a copy into the record as an attachment to this testimony.

This set of recommendations proposes a comprehensive program including an **aggressive** research agenda for solving this problem. It also points out that one current government program is actually counter to the public interest and to the principle of prevention. That is the testing program for ground beef at the point of delivery to consumers in retail stores.

<sup>&</sup>lt;sup>2</sup> The report calls upon FDA and USDA to "cooperate in evaluating the feasibility of HACCP for commodities such as fresh fruit and vegetables. The process could also consider whether it is appropriate to use USDA inspectors to inspect plants that manufacture products regulated by both agencies ...." (p. 39).

The BIFSCO report specifically recommends that: "[We] concentrate resources of the government, the scientific community, and industry on preventing or controlling contamination at the earliest possible point in the production process, rather than testing at the points of delivery."

It is widely recognized in the scientific community that retail or point-of-delivery testing is an ineffective food safety measure. It is contrary to HACCP principles and presents the danger of giving consumers a false sense of security.

Testing is not a strategy for eliminating E. *coli* O157:H7 from our beef supply. When testing is used, it must be applied at a point where contaminated product can be removed **from** the distribution system before it reaches consumers. This is not possible with retail (point-of-delivery) testing.

The test results for product taken from retail stores are not available until long after the product has been purchased and eaten by consumers. A positive test at this point triggers a product recall, which only serves to frighten consumers and further erode their confidence in the safety of the food supply — while little, if any, product is ever recovered. We believe strongly that a prevention-based strategy is far more effective than spending hundreds of thousands of taxpayer dollars on detecting pathogens after it is too late to protect consumers from being exposed to them.

We hope you will take the recommendations of BIFSCO under serious consideration before we further erode public confidence in the safety of beef as a regular part of a healthy diet.

FMI understands that our proposals could meet resistance from both within the government as well as from industry. Debate, of course, is a necessary part of the democratic process. It enables us to forge better policies and ensure that legitimate views are represented. However, debate that does not reach a constructive conclusion serves no one's interest. In today's media-oriented society, when issues play out in headlines and sound bites, unending arguments over matters as important as food safety leave the public contused, frustrated and angry. Too often we do a masterful job of raising concerns -but a terrible job of resolving them.

Let me conclude by endorsing this Council's draft statement of the agencies' vision for the U.S. food safety system and the roles of all those involved in food safety.

Consumers can be confident that food is healthy, and affordable. We work within a seamless food safety system that uses farm-to table preventive strategies and integrated research, surveillance, inspection, and enforcement. We are vigilant to new and emergent threats and consider the needs of vulnerable populations. We use science- and risk-based approaches along with public/private partnerships. Food is safe because everyone understands and accepts their responsibilities.

This Council has raised **awareness** of the need for a coordinated, food **safety strategic-**planning effort. We stand ready to assist you in every way that we can — as an industry committed absolutely to ensuring the **safety** of our products and as a partner in the seamless food safety system that we all envision.

Thank you for the opportunity to speak with you today on behalf of the members of the Food Marketing Institute.